

RESOLUTION NO. 2013-1

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A
FIRST AMENDMENT TO THE AGREEMENT WITH
GRUCCI, INC FOR THE ORGANIZING, PRODUCING,
MANAGING, STAGING AND PROVIDING OF THE
VILLAGE'S JULY 4TH FIREWORKS DISPLAY; PROVIDING
FOR AUTHORIZATION; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Village of Key Biscayne (the "Village") and Grucci, Inc. (the "Grucci") entered into that certain Agreement for Professional Services dated April 10, 2012, relating to Grucci's organizing, producing, managing, staging and providing of the 2012 July 4th Fireworks Display on behalf of the Village (the "Agreement"); and

WHEREAS, the Agreement granted the Village with an option for Grucci to provide the 2013 July 4th Fireworks Display; and

WHEREAS; subsequent to the July 4th 2012 fireworks, the Village solicited new bids for its 2013 fireworks display; and

WHEREAS, after review of the bids submitted, the Village Manager decided to reject all bids and recommend that the Village Council enter into a First Amendment to the Agreement with Grucci to provide for the Village's firework display at a revised price; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

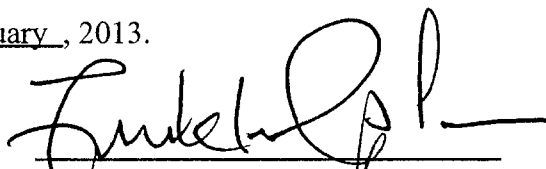
Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. **First Amendment to Agreement Approved.** The Village Council hereby approves the First Amendment to the Agreement, attached hereto as Exhibit "A," with Grucci for the Fireworks Display.

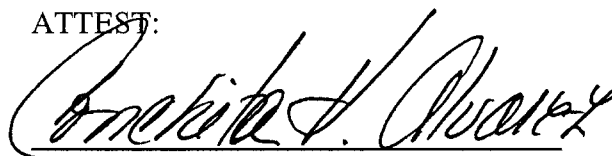
Section 3. **Village Manager Authorized.** The Village Manager is hereby authorized to execute the First Amendment to the Agreement, attached hereto as Exhibit "A," with Grucci for the fireworks display, subject to the approval of the Village Attorney as to form and legal sufficiency.

Section 4. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 8th day of January, 2013.


MAYOR FRANKLIN H. CAPLAN

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


VILLAGE ATTORNEY



EXHIBIT “A”

REVISED PROPOSAL

**FIRST AMENDMENT TO
VILLAGE OF KEY BISCAYNE
AGREEMENT FOR PROFESSIONAL SERVICES
FIREWORKS DISPLAY**

THIS FIRST AMENDMENT (this “Amendment”), is made and entered into as of this 8th day of January, 2013 (the “Effective Date”), by and between the VILLAGE OF KEY BISCAYNE (the “VILLAGE”) and FIREWORKS BY GRUCCI, INC., a New York corporation authorized to do business in Florida (“GRUCCI”).

RECITALS:

WHEREAS, GRUCCI and the VILLAGE entered into that certain Agreement for Professional Services dated as of April 10, 2012, relating to GRUCCI’s organizing, producing, managing, staging and providing of the 2012 July 4th Fireworks Display on behalf of the VILLAGE (the “Agreement”); and

WHEREAS, the Agreement granted the VILLAGE with an option for GRUCCI to provide the July 4th Fireworks Display for each of the Option Years; and

WHEREAS, subsequent to the July 4th 2012 fireworks, the VILLAGE solicited new bids for the Option Years; and

WHEREAS, GRUCCI submitted a revised proposal for the fireworks display for the Option Years (the “Revised Proposal”), and as a result of such Revised Proposal, the VILLAGE desires to exercise its option under the Agreement for the 2013 Fireworks Display, adjust the prices for the remaining Option Years and include 2016 as an Option Year.

NOW THEREFORE, in consideration of the mutual covenants set forth in this Amendment, the parties agree as follows:

1. The VILLAGE hereby exercises its option for GRUCCI to provide the July 4, 2013 Fireworks Display.

2. Paragraph 1(A) of the Agreement is hereby amended to state that GRUCCI expressly agrees to provide the Fireworks Display for each of the Option Years in accordance with the terms and conditions of the RFP and the Agreement as modified by the Revised Proposal attached hereto as Exhibit "A".

3. Paragraph 2(A) of the Agreement is hereby amended to state that the Contract Price for the July 4, 2013 Fireworks Display shall be \$105,300.00.

4. The term of the Agreement as set forth in Paragraph 3(A) is hereby extended until July 25, 2013.

5. Paragraph 3(B) of the Agreement is hereby amended to include the year 2016 as an Option Year at the stated Fireworks Display Contract Price set forth below and to adjust the Fireworks Display Contract Price for each of the remaining Option Years as follows:

<u>Date of Fireworks Display</u>	<u>Total Fireworks Display Contract Price</u>
July 4, 2013	\$105,300
July 4, 2014	\$109,500
July 4, 2015	\$113,900
July 4, 2016	\$118,500

6. Except as modified by the terms of the Amendment, all of the terms and conditions of the Agreement and RFP remain in full force and effect.

7. All capitalized terms not specifically defined herein shall have the meaning ascribed to such terms under the Agreement.

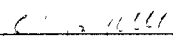
8. In the event of any conflict between the terms of this Amendment, the Agreement and the RFP, the terms of this Amendment shall control.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Agreement
upon the terms and conditions above stated on the day and year first above written.

GRUCCI:


FIREWORKS BY GRUCCI, INC.
One Grucci Lane
Brookhaven, NY 11719

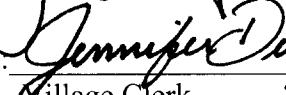
By: 
Felix J. Grucci (Phil)
Title: President

Attest: _____
Corporate Secretary
(Affix Seal)

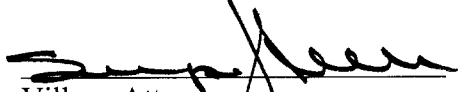
VILLAGE:

VILLAGE OF KEY BISCAYNE
88 West McIntyre Street
Key Biscayne, FL 33149

By: 
John C. Gilbert
Village Manager

Attest:  for
Village Clerk *Conchita Alvarez*

Approved as to Form and Legal Sufficiency:


Village Attorney